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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,791	04/30/2001	Brandon Dillan Tinianov	7120	3178

7590 04/23/2004  
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EXAMINER

MCCLLOUD, RENATA D

ART UNIT PAPER NUMBER

2837

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

**Application No.**

09/845,791

**Applicant(s)**

TINIANOV, BRANDON DILLAN

**Examiner**

Renata McCloud

**Art Unit**

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/13/2004</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. In response to the amendment filed 13 January 2004, the following has occurred:
  - (a) Claims 1 and 2 have been amended.
  - (b) The 35 USC 112 rejections have been withdrawn by the examiner due to changes made by the applicant.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1,2, 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "relatively" in claim 1 is a relative term which renders the claim indefinite. The term "relatively" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2, and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haines et al (U.S. Patent 5,824,973), in view of Kraft et al (U.S. Patent 6,182,787).

**Claim 1:** Haines et al teach a system for improved sound absorption with a substrate (14) of porous material and of a first air flow resistance (214/216/ 218); and a facing (16) material attached to the substrate and of a second air flow resistance (214/216/218), a total system resistance is a combination of the first and second air flow resistances, the second air flow resistance is a relatively low values (See. Fig.1, Fig. 5, and Column 8, lines 25-44). However Haines et al do not teach the total system airflow resistance is around between 900 to 1300 MKS Rayls.

Kraft et al teach an acoustic treatment core having an airflow of around between 900 and 1300 MKS Rayls (e.g. Col. 4: 45-65 teaches a resistance of 20 to 120 CGS Rayls which is equal to 200 to 1200 MKS Rayls). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify replace the sound absorbing laminate core taught by Haines et al with the core taught by Kraft et al. The advantage of this would be a total system airflow resistance within 900 to 1300 MKS Rayls, due to the core having a higher airflow resistance.

**Claim 2:** Haines et al and Kraft et al teach the limitations of claim 1.

Referring to claim 2, Kraft et al teach the facing material (e.g. Fig. 3:102) has an airflow resistance of 360 MKS Rayls (e.g. Col. 4: 45-65).

**Claim 4** Haines et al and Kraft et al teach the limitations of claim 1.

Referring to claim 4, Haines et al teach the substrate is made of glass fiber, mineral wool, thermoplastic polymer fiber, thermosetting polymeric fiber, carbonaceous fiber, milkweed fiber, and foam insulation (e.g. Column 8:15-25).

**Claim 5:** Haines et al and Kraft et al teach the limitations of claim 1.

Referring to claim 5, Haines et al teach the substrate can be a ceiling tile (e.g. Column 1:22-29).

**Claim 6:** Haines et al and Kraft et al teach the limitations of claim 1.

Referring to claim 6, Haines et al teach a second facing material attached to the substrate (e.g. Column 3:8-14; Fig. 1).

**Claim 7:** Haines et al and Kraft et al teach the limitations of claim 1.

Referring to claim 7, Haines et al teach the facing material and the second facing material form two opposite exterior surfaces of the system (e.g. Fig. 1, #16, #14).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1,2, and 4-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

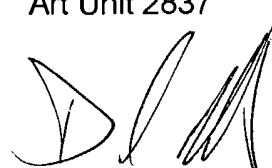
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (571) 272-2069. The examiner can normally be reached on Mon.- Fri. from 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2800 ext. 4. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDM

Renata McCloud  
Examiner  
Art Unit 2837



**DAVID MARTIN**  
SUPERVISORY PATENT EXAMINER  
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